

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

THE DENNY MANUFACTURING
COMPANY, INC., an Alabama
corporation,

Plaintiff,

v.

DROPS & PROPS, INC., an Illinois
corporation d/b/a BACKDROP
OUTLET a/k/a
BACKDROPOUTLET.COM, JAY
GUPTA, an Individual,

Defendants.

CASE NO.: 1:09-cv-00214

STIPULATION OF DISMISSAL WITH PREJUDICE

WHEREAS Plaintiff Denny Manufacturing Company, Inc. ("Denny") and Defendants Drops & Props, Inc., d/b/a Backdrop Outlet ("DPI"), and Jay Gupta, an individual ("Gupta") (collectively "Defendants"), have settled the above-captioned matter; and

WHEREAS this Court has entered a Stipulated Permanent Injunction ("Permanent Injunction") between Denny and Defendants;

IT IS HEREBY STIPULATED by and between Denny, through its attorneys, and Defendants, through their attorneys, that Defendants Drops & Props, Inc., d/b/a Backdrop Outlet, and Jay Gupta, an individual, shall be dismissed with

prejudice from Denny's Complaint pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with each party to bear its own costs and attorneys' fees.

IT IS HEREBY FURTHER STIPULATED by and between Defendants, through their attorneys, and Denny, through its attorneys, that Denny Manufacturing Company shall be dismissed with prejudice from Defendants' Counterclaim pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with each party to bear its own costs and attorneys' fees.

IT IS HEREBY FURTHER STIPULATED that this Court shall retain jurisdiction to enforce the Permanent Injunction entered by this Court, the Settlement Agreement and Release between Denny and Defendants, and, if necessary, the entry of the Consent Judgment attached hereto as Exhibit 1 under the terms of the Settlement Agreement and Release. A proposed Order of dismissal is attached hereto as Exhibit 2.

IT IS SO STIPULATED.

DATED: August 2, 2010 BRADLEY ARANT BOULT CUMMINGS LLP

By: _____

Paul M. Sykes

Attorney for Plaintiff

DENNY MANUFACTURING

DATED: August 2^d, 2010

BURR & FORMAN LLP

By: 

Howard P. Walthall, Jr.
Attorney for Defendants
Drops & Props, Inc
Jay Gupta

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2010, I electronically filed the foregoing Stipulation of Dismissal with Prejudice with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Howard P. Walthall, Jr.
BURR & FORMAN, LLP
420 20th Street North
Suite 3400
Birmingham, AL 35203

/s Paul Sykes

OF COUNSEL